

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x Index No.:  
ORGANIC SPICES, INC.,

Plaintiff,

**COMPLAINT**

-against-

INDIAN HARBOR INSURANCE COMPANY,

Defendant.

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Plaintiff, by its attorneys, WILKOFISKY, FRIEDMAN, KAREL and CUMMINS, as and for its Complaint, herein alleges the following upon information and belief:

**JURISDICTION**

**FIRST**: Jurisdiction is conferred on this Court by virtue of the provisions of 28 U.S.C., §1332 as hereinafter more fully appears.

**SECOND**: Venue properly lies in this District, pursuant to 28 U.S.C.A Section 1391.

**PARTIES**

**THIRD**: At all times herein mentioned, Plaintiff, ORGANIC SPICES, INC., was and is a corporation duly organized and existing under and by virtue of the laws and State of California.

**FOURTH**: Upon information and belief, at all times herein mentioned, Defendant, INDIAN HARBOR INSURANCE COMPANY was and is a corporation duly organized and existing under and by virtue of the laws the State of Delaware.

**FIFTH**: Heretofore and on or about October 15, 2014, Defendant made and issued its product contamination policy to the Plaintiff bearing number US 00068401LI14A wherein and where whereby it did insure business personal property belonging to the Plaintiff located at 4180 Business Center Dr., Fremont, CA incepting October 15, 2014 and ending October 15, 2015.

**SIXTH:** All relevant times Plaintiff possessed a valid insurable interest with respect to the subject business personal property.

**SEVENTH:** On or about September 17, 2015, Plaintiff sustained a loss due to a covered peril under the subject policy.

**EIGHTH**: As a result thereof, Plaintiff sustained damages at least the sum of \$1,000,000.00.

**NINTH**: No part of said sum has been paid, except the amount of \$75,554.79

**WHEREFORE**, Plaintiff respectfully demands judgment in the amount of \$924,445.21, with interest thereon from September 17, 2015, and the costs and disbursements of this action.

Dated: New York, New York  
September 8, 2017

WILKOFSKY, FRIEDMAN,  
KAREL & CUMMINS

By: /s/  
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